

Right to Education Act (RTE)

The Act is completely titled “**the Right of Children to Free and Compulsory Education Act**”. It was passed by the Parliament in August 2009. When the Act came into force in 2010, India became one among 135 countries where education is a fundamental right of every child.

- The 86th Constitutional Amendment (2002) inserted Article 21A in the Indian Constitution which states:
 - “The State shall provide **free and compulsory education to all children of 6 to 14** years in such manner as the State, may by law determine.”
- As per this, the right to education was made a fundamental right and removed from the list of Directive Principles of State Policy.
- The RTE is the consequential legislation envisaged under the 86th Amendment.
- The article incorporates the word “free” in its title. What it means is that no child (other than those admitted by his/her parents in a school not supported by the government) is liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- This Act makes it obligatory on the part of the government to ensure admission, attendance and completion of elementary education by all children falling in the age bracket six to fourteen years.
- Essentially, this Act ensures free elementary education to all children in the economically weaker sections of society.

A few important articles that a candidate must read to cover the notes on the topic, ‘Education,’ comprehensively are linked below:

RTE Provisions

The provisions of the RTE Act are briefly described below. The Act provides for:

- The right of free and compulsory education to children until they complete their elementary education in a school in the neighbourhood.
- The Act makes it clear that ‘compulsory education’ implies that it is an obligation on the part of the government to ensure the admission,

attendance and completion of elementary education of children between the ages of six and fourteen. The word 'free' indicates that no charge is payable by the child which may prevent him/her from completing such education.

- The Act provides for the admission of a non-admitted child to a class of his/her appropriate age.
- It mentions the duties of the respective governments, the local authorities and parents in ensuring the education of a child. It also specifies the sharing of the financial burden between the central and the state governments.
- It specifies standards and norms for Pupil Teacher Ratios (PTR), infrastructure and buildings, working days of the school and for the teachers.
- It also says there should be no urban-rural imbalance in teacher postings. The Act also provides for the prohibition of the employment of teachers for non-educational work, other than census, elections and disaster relief work.
- The Act provides that the teachers appointed should be appropriately trained and qualified.
- The Act prohibits:
 - Mental harassment and physical punishment.
 - Screening procedures for the admission of children.
 - Capitation fees.
 - Private tuition by the teachers.
 - Running schools with no recognition.
- The Act envisages that the curriculum should be developed in coherence with the values enshrined in the Indian Constitution, and that which would take care of the all-round development of the child. The curriculum should build on the knowledge of the child, on his/her potentiality and talents, help make the child free of trauma, fear and anxiety via a system that is both child-centric and child-friendly.

Significance of RTE

With the passing of the Right to Education Act, India has moved to a rights-based approach towards implementing education for all. This Act casts a legal obligation on the state and central governments to execute the fundamental rights of a child (as per Article 21 A of the Constitution).

- The Act lays down specific standards for the student-teacher ratio, which is a very important concept in providing quality education.
- It also talks about providing separate toilet facilities for girls and boys, having adequate standards for classroom conditions, drinking water facilities, etc.
- The stress on avoiding the urban-rural imbalance in teachers' posting is important as there is a big gap in the quality and numbers regarding education in the villages compared to the urban areas in the country.
-
- The Act provides for zero tolerance against the harassment and discrimination of children. The prohibition of screening procedures for admission ensures that there would be no discrimination of children on the basis of caste, religion, gender, etc.
- **The Act also mandates that no kid is detained until class 8.** It introduced the Continuous Comprehensive Evaluation (CCE) system in 2009 to have grade-appropriate learning outcomes in schools.
- The Act also provides for the formation of a School Management Committee (SMC) in every school in order to promote participatory democracy and governance in all elementary schools. These committees have the authority to monitor the school's functioning and prepare developmental plans for it.
- The Act is justiciable and has a Grievance Redressal mechanism that permits people to take action when the provisions of the Act are not complied with.
- **The RTE Act mandates for all private schools to reserve 25 per cent of their seats for children from socially disadvantaged and economically backward sections.** This move is intended to boost social inclusion and pave the way for a more just and equal country.
 -
 - This provision is included in Section 12(1)(c) of the RTE Act. All schools (private, unaided, aided or special category) must

reserve 25% of their seats at the entry-level for students from the Economically Weaker Sections (EWS) and disadvantaged groups.

- When the rough version of the Act was drafted in 2005, there was a lot of outcry in the country against this large percentage of seats being reserved for the underprivileged. However, the framers of the draft stood their ground and were able to justify the 25% reservation in private schools.
- This provision is a far-reaching move and perhaps the most important step in so far as **inclusive education** is concerned.
- This provision seeks to achieve social integration.
- The loss incurred by the schools as a result of this would be reimbursed by the central government.
- The Act has increased enrolment in the upper primary level (Class 6-8) between 2009 and 2016 by 19.4%.
- In rural areas, in 2016, only 3.3% of children in the 6 – 14 years bracket were out of school.

Criticism of RTE Act

Even though the RTE Act is a step in the right direction towards the achievement of making education truly free and compulsory in India, it has met with several criticisms. Some of the criticisms are given below:

- The Act was drafted hastily without much thought or consultation being given to the quality of education imparted.
- Children below 6 years are not covered under the Act.
- Many of the schemes under the Act have been compared to the previous schemes on education such as the Sarva Shiksha Abhiyan, and have been plagued with corruption charges and inefficiency.
- At the time of admissions, many documents such as birth certificate, BPL certificate, etc. are required. This move seems to have left out orphans from being beneficiaries of the Act.
- There have been implementational hurdles in the 25% reservation of seats for EWS and others in private schools. Some of the challenges in this regard are discriminatory behaviour towards parents and difficulties experienced by students to fit in with a different socio-cultural milieu.

- Regarding the ‘no detention’ policy till class 8, an amendment to the Act in 2019, introduced regular annual exams in classes 5 and 8.
 - In case a student fails in the annual exam, he/she is given extra training and made to appear for a re-exam. If this re-exam is not passed, the student can be detained in the class.
 - This amendment was made after many states complained that without regular exams, the learning levels of children could not be evaluated effectively.
 - The states which were against this amendment were six states with higher learning outcomes due to their effective implementation of the CCE system as mandated in the Act. (The six states were Andhra Pradesh, Karnataka, Kerala, Goa, Telangana and Maharashtra.)
- It has been found that many states find it difficult to move to the CCE system of assessment. This is chiefly due to a lack of teachers’ training and orientation.
- Another criticism levelled against the Act is that instead of increasing the standards and outcomes of the public education system in India, it passes the buck to private schools with some respect.

Conclusion

Making the right to education a fundamental right took more than 6 decades after independence. Now, the government and all stakeholders should focus on the quality of education, and gradually move towards having a single educational system and platform across the country for all sections of society in order to foster equality, inclusion, and unity.

Compiled by

Dr. P.S Prasad

HoD, Political Science, RTU